



"'Burden of proof' means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record."

Claimant must establish his burden by a preponderance of the credible evidence. Box v. Cessna Aircraft Co., 236 Kan. 237, 689 P.2d 871 (1984).

The evidence, in this instance, while somewhat contradictory, does support a finding for preliminary purposes that claimant suffered accidental injury on or about July 15, 1995, while in the employ of respondent. In so finding, the Appeals Board affirms the Order of Administrative Law Judge Steven J. Howard of February 8, 1996.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Steven J. Howard dated February 8, 1996, should be, and is hereby, affirmed and remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: C. Frank Allison, Jr., Overland Park, KS  
Jeffrey D. Slattey, Kansas City, MO  
Steven J. Howard, Administrative Law Judge  
Philip S. Harness, Director